

**Minutes of the Regular Planning Board Meeting  
Monday, October 22, 2007**

1.     CONVENE:             7:05 p.m.
2.     FLAG SALUTE:     Board member Mariani.
3.     ROLL CALL:        President Cook, Ezzy Ashcraft, Cunningham, Lynch, Mariani and McNamara.

Board member Kohlstrand was absent from roll call.

Also present were Planning Services Manager Andrew Thomas, Assistant City Attorney Donna Mooney, Obaid Khan, Public Works.

4.     MINUTES:
  - a.       Minutes for the meeting of September 24, 2007.
  - b.       Minutes for the meeting of October 8, 2007.

Staff requests a continuation of September 24, 2007 Minutes and October 8, 2007 Minutes.

The minutes will be considered at the meeting of November 13, 2007.

5.     AGENDA CHANGES AND DISCUSSION: None
6.     STAFF COMMUNICATIONS:

- a.     Future Agendas

Mr. Thomas provided an update on future agenda items.

Vice President Cook noted that the Planning Board had requested status reports on the Measure A hearings, and suggested that they be a line item during Staff Communications. Mr. Thomas noted that would be placed after Item 6-B.

Member Ezzy Ashcraft noted that the Board requested that the workshop occur before the end of January, but on a Saturday. Mr. Thomas noted that they had identified the preferred consultant, and hoped to bring that contract to the City Council in November. He noted that January would be a good time to hold that workshop.

- b.     Zoning Administrator Report

Mr. Thomas provided the Zoning Administrator report.

7.     ORAL COMMUNICATION: None.

8. CONSENT CALENDAR: None.

9. REGULAR AGENDA ITEMS:

**9-A. Alameda Point Master Plan**

An update on recent City actions related to the redevelopment of Alameda Point and introduction to the SunCal/Calthorpe Planning Team. No action will be taken by the Planning Board at this meeting to approve or deny any specific projects.

Mr. Thomas introduced the new master developer for Alameda Point as SunCal Companies, represented by Patrick Kelleher, Peter Calthorpe and Phil Tagami. He noted that they would discuss their approaches to Alameda Point. He summarized the staff report and provided a brief background of this project. He noted that the City Council signed on to an exclusive negotiating agreement, which laid out a very aggressive schedule for the planning for Alameda Point. He briefly described the two-year schedule to move from selection to an approved Master Plan for Alameda Point, followed by an EIR process on the draft document. He noted that the series of community meetings was described in the staff report.

The public hearing was opened.

Mr. Patrick Kelleher, SunCal Companies, provided an overview of the company and described the company's ownership and mission as a true master developer. He emphasized that SunCal did not leave until the last house has been sold.

Mr. Peter Calthorpe, Calthorpe, provided some background of his company, and noted that he had been involved in sustainability for 30 years, using a whole systems approach. He discussed the elements of sustainable development, and noted that from the transportation standpoint, it was important to break away from complete usage of the car, and to create walkable communities. He noted that the community should be big enough to internalize its own retail, schools and parks, as well as many destinations and jobs. He added that a good, healthy mixed use community, even if it is walkable, still needs transit connections to the region. He noted that the design standards described in LEED have been at the forefront of their designs, and noted that they should be able to build the best possible building envelopes that are also energy conserving structures. He described the water systems, including recycling of gray water as well as the recapture of the nutrient cycle from the waste material.

Mr. Calthorpe noted that using the economies of scale was very important. He added that the nature of this community is a political phenomenon, and believed that the community should be diverse, walkable and should use the best practices of sustainability. In order to be diverse, there should offer housing and job opportunities for a broad range of people. He did not believe the Big Whites should be torn down, and that they contained local history that he would like to see preserved.

Mr. Phil Tagami, Managing Partner, California Capital Group, summarized his involvement with the site and the team, as well as their plans for this process.

The public hearing was closed for Board discussion.

Member Mariani noted that she was impressed with the presentation, and hoped that the idealistic nature of the presentation materialized.

Mr. Kelleher wished to clarify that as a team, they walk down a path that they know they can deliver.

Member Lynch noted that their presentation was laudable, but that the numbers still had to be resolved at the end of the day. He noted that it was important to define the planning terms so they may be understood by the public. He noted that the end product must be economically viable.

Mr. Kelleher agreed with Member Lynch, and noted that in community planning, they present various scenarios that identify various levels of participation by the public sector. He believed there were different scenarios for this site, with different levels of density with different attributes such as transit, sustainability elements, community scale and walkability. He believed it was valuable to offer a broad range of choices.

Member Cunningham believed that it was important for the community to understand what the developer is trying to achieve, and that it was not just about money. He believed there were larger community issues to consider as well, and encouraged the developer to continue to be open with the Planning Board. He noted that they will find polarized opinions at both ends, and hoped that the City would not have to settle for mediocrity in the process of striking a balance. He believed the new ideas sounded very exciting, and that a more holistic approach is being used.

In response to an inquiry by Member Cunningham whether the PDC was being discarded, Mr. Kelleher replied that they were not doing so, and that they would not be able to execute their plans without the previous site work being done. Their challenge was to qualify the assumptions that were made in the PDC, mainly geotechnical, flood plain and hydraulic work that was assumed in the PDC, but have proven to be not viable. He acknowledged that they needed to characterize the site better. He noted that it was very important to educate the public in this project so they can understand the project better.

Board member Ezzy Ashcraft noted that SunCal stated that it did not do much vertical development, and requested further detail of that concept. Mr. Kelleher noted that they prepared the ground and the infrastructure, and delivered a finished pad to a builder, who will come in and build the structure.

Member McNamara noted that she had expected more detail of the developer's vision, and that it was very abstract, conceptual and idealistic. She inquired whether the project was

being started with a blank sheet, and whether the PDC would be discarded or retained in some form. Mr. Kelleher replied that they were working on the site characteristics, and that the current information available for the site was not the most accurate. For example, the PDC used a 25-year-old topo, which must be reordered; he noted that process would take several months. Without an accurate topo, it would not be possible to proceed with the hydraulics and flood plain mapping.

Mr. Calthorpe added that they would use the existing armature (framework of access points, streets and circulation), and would build upon that. He noted that SunCal would find the best builder for each component, and that they did not carry any bias towards one builder or another. He noted that where there is no vested interest in one kind of development or another, the appropriate kind of development can happen. He noted that critical base data and analysis has not been completed. He noted that with respect to the idealism contained in their presentation, if people did not agree on principles at the outset, they would not agree throughout the process. They intended to discuss principles at the public meeting, and to be very honest and transparent when discussing the project and their planning philosophies.

Member Ezzy Ashcraft noted that she attended the California Chapter of the American Planning Association Annual Conference in San Jose, which Mr. Thomas also attended. They both attended a workshop entitled “Transforming Military Bases into Sustainable Spaces.” She noted that at Fort Ord, the developer was aiming for a Platinum level LEED certification. She was pleased with the presentation, and agreed that it was important to start with a vision. She noted that it was important to offer a broad range of housing choices. She added that she had attended the Solar Power Decathlon in Washington, D.C., which offered a great variety of practical solar-powered applications.

Member Ezzy Ashcraft appreciated that SunCal offered a blank slate, and inquired how the toxic cleanup being negotiated with the Navy impacted their plans. Mr. Calthorpe replied that they will affect the development, which would be a phased development; the environment cleanup must be phased with the project. He noted that it had an impact at both the local and federal level.

President Cook thanked SunCal for performing their own due diligence, which may produce different results than before. She expected that they would also clarify what elements were different, and why. Mr. Calthorpe confirmed that was part of their project.

President Cook liked the idea of a sustainable community, and would like assurances that it would be feasible. She noted that it was important to explore what densities were needed to sustain community schools, retail and new transit system. She would like further clarification of what the Planning Board’s role would be vis-à-vis the task force.

Mr. Thomas noted that the accelerated community process, taking eight months to get to a Master Plan, would include the Planning Board and a Council appointed Task Force.

Member Mariani believed that this item should be reviewed at every Planning Board meeting. She believed that it was critically important that the Task Force's roles be defined in order for its participation to make sense.

Member Ezzy Ashcraft did not have a problem with the Task Force, but it did not address the repeated concern that the Board must be kept apprised of the developments so that their input is relevant. She recalled the Bridgeside development as an example of that involvement not working as well as it could have.

Member Lynch noted that this seemed to be a red herring, and did not see the viability of a task force because he believed the structure will ill to begin with. He believed that City staff erred in their suggestion and position that this project should move forward on a particular timeline, and that certain deliverables be made with respect to that timeline. He noted that in the end, the developer would need to determine whether to move forward with the project if it made economic sense. He believed the City should be very careful in approaching this project to ensure that there were no major disappointments.

Member Mariani wanted to ensure the task force performed effectively so the Planning Board could make an informed decision at the end of the process.

President Cook noted that the Planning Board would like regular updates and communication from the developer.

Mr. Thomas noted that the first community workshop would be held on October 24, and suggested that at the next Planning Board meeting, he and President Cook would report back on the proceedings.

Member Lynch wished to make it clear that he thought a great deal of Mr. Thomas and the Planning staff. He also trusted the other Commissions, and believed the vetting should take place with the Economic Development Commission with respect to the economic uses on site, and the Transportation Commission. He believed their input was very important as it applied to the development concepts and overall land use. If the consideration of the land use were to vary from the schedule, he hoped that the City Council would adhere to its stated and documented timeline, and then make a decision with respect to moving forward or not.

Mr. Thomas advised that there would be tradeoffs and compromises throughout the process.

Member Cunningham suggested that the developer not aim for complete buy-in from everyone, and that strong plans often were the result of compromises.

Member McNamara suggested that an additional Board member be assigned to the Task Force, citing heavy time commitments which could be shared.

President Cook noted that was the original proposal from staff, and that she had discussed the possibility with Mr. Thomas. She would try to be at every meeting if possible, but

understood that other responsibilities may intrude; she would not be opposed to having the attendance move from one person to anything. However, she did not know how that would serve the needs of the City Council.

Member Mariani suggested that Member McNamara may be a good choice to attend the meetings, and that her input was always valuable.

A discussion of the details of the Task Force ensued.

Mr. Thomas noted that he would report back to the Planning Commission at the next meeting, and he would get clarification at the November 7 ARRA meeting with respect to what would be reported back to the Planning Board.

Member Ezzy Ashcraft noted that it was very important to hear the perspectives and ideas from the other Commissions, which would help inform the Planning Board's decisions more effectively.

The public hearing was opened.

Mr. Bill Smith noted that the feedback was valuable, and that it followed the feedback given at City Council.

The public hearing was closed for Board discussion.

President Cook noted that she was excited about the proposed work and the team, especially the emphasis placed on historic preservation and sustainability.

No action was taken.

**9-B. Large Format Retail Store Workshop - Applicant - City of Alameda.** The City of Alameda is considering the unique land use, transportation, urban design, and economic development challenges posed by large-scale retail (big box) stores. No action will be taken by the Planning Board at this meeting to approve or deny any specific projects. However, the Planning Board may make recommendations to the City Council that could result in changes to the General Plan and Zoning Ordinance that would potentially affect all properties in non-residential zoning districts.

Mr. Thomas summarized the staff report, and requested Planning Board comment on this proposal. He noted that because retail was a permitted use, the Planning Department could require a design review, which did not address the appropriateness of the use. Staff recommended adopting the retail policies into the General Plan, amend the Zoning Code to include a definition of large format stores, which is proposed in the staff report as a "single stand-alone store or collection of stores developed and managed as a single project which includes over 60,000 square feet of retail sales floor area." The Zoning Code would be amended to require a use permit for a large format retail store, which is the same as a

“big box” store. The Zoning Code would be further amended to require that the use permit be amended for a large format retail store, in addition to the standard use permit conditions. In that case, the key issues could be addressed in terms of its design, operations and the issue of sale leakage. He noted that this was a new presentation, and that there had not been any community feedback at this point.

The public hearing was opened.

Ms. Karen Bay noted that she was speaking as an Alameda resident, and was looking forward to the workshop, which she believed was very timely. She supported amending the Zoning Code to define and address large format retail stores, and supported the requirement of a use permit for all large format retail store. She believed the City’s retail policy needed some updating because so much had changed since 2004. She believed that the City had more clarity and understanding about the retail development process since then. She had reviewed the DDA as it related to the Alameda Landing project as approved, and believed that the City had approved a lifestyle center, not a hybrid center, and believed the wording should be changed to reflect that. She suggested that the term “lifestyle center” be defined.

The public hearing was closed for Board discussion.

Mr. Thomas requested the Planning Board’s thoughts on the definition, as well as the idea of requiring a conditional use permit. He noted that there were many people who would be interested in looking at a prohibition on stores over a certain size. He noted that the issues of stopping sales leakage and historic buildings were of concern to the community; he noted that the Del Monte building had been a centerpiece of that debate.

Mr. Thomas noted that care should be taken in the definitions and prohibitions, and added that there were many in the community who would like a “big box” prohibition. He noted that it would not be possible to write a zoning ordinance that prohibited a particular retailer, and that naming certain retailers as acceptable, and others as unacceptable, would not be appropriate.

Member Lynch complimented staff on tackling this complex issue very well. He cautioned against reinventing the wheel, and did not want any legal troubles to result. He noted that different ordinances did not need to be created, and that the Planning Board had the authority to deny a permit. He believed this issue had been over-complicated, and that the use of the conditional use permit process would generally be adequate. He preferred to defer to the Economic Development Commission and the previous Boards, which already had an excellent strategic plan for Alameda.

Member McNamara did not have enough information to move forward on this issue, and had read information about the model used by Fort Collins, Colorado, with respect to their very specific and stringent big box retail policy.

Mr. Thomas thanked Doug Garrison for pulling a large amount of information together for this staff report.

In response to an inquiry by Member McNamara regarding the process envisioned by staff, Mr. Thomas explained the design review process regarding retail in a commercial zone. He noted that when retail was permitted by right, a use permit did not apply to whether a retailer should be located on that particular site; in a conditional use permit, the requirements would be more restrictive and specific. Traffic at the location would also be a factor, and the City would have the ability to address traffic impacts as well as design for larger retail stores.

Member McNamara encouraged a more specific and stringent definition process.

Member Ezzy Ashcraft noted that she would support the notion of allowing the Board to be more selective through the conditional use permit process. She believed that Alameda has long had the attitude that it was fortunate to have any retail at all; she added that Alamedans deserved to have quality retail in the City.

In response to an inquiry by Member Ezzy Ashcraft, Mr. Thomas described the DA and DDA processes. He noted that changes to Zoning Ordinances will not affect major projects that already have a signed development agreement. He noted that Alameda Landing or the commercial developments at Harbor Bay Business Park would not be affected. He noted that Alameda Point, South Shore and Del Monte would be affected, because development agreements have not been signed with those projects.

Member Ezzy Ashcraft noted that Building A at Alameda Landing has been entitled for over 100,000 square feet, suggested that in addition to square footage, that a height and limitation should be explored, especially as it related to pedestrian scale. She believed the wording of the second policy on page 6 could be reworked for clarity: "The primary focus of a proposed sizing of tenant space is appropriate to current retailing practice, and is intended to fill a documented aspect of retail sales leakage for the geographic area to be served."

Mr. Thomas responded that staff would bring back all the retail policies, and will go through them all for the Planning Board's review.

Member Mariani appreciated the comments, especially from the public, and complimented staff on the staff report.

Member Cunningham agreed with the concept of using a conditional use permit for the large format retail stores. He believed that the Planning Board needed to control design, and that development should be functional for its purpose. He was wary of putting so many restrictions that it restricted the function for potential retail operators. He believed that there should be options to allow projects and designs to be brought to the table, while reserving the right to say no. He would like the Board to be able to pass judgment on each application and evaluate it on its own merits. He did not want the City to miss opportunities, and suggested keeping the approach balanced between too prescriptive and too nebulous would be avoid jeopardizing any potential development in Alameda.



President Cook agreed that the conditional use permit should be used, and would consider a smaller square footage than 60,000 s.f. She cited the newest Whole Foods stores, particularly the Cupertino store, which is approximately 68,000 s.f. She would like to strengthen the analysis of the impacts of big box stores on local businesses.

Mr. Thomas noted that staff would go through the document and return with a redlined version for further review by the Planning Board. He noted that customized findings for conditional use permit will be developed, and wanted to ensure that a well-designed building that made sense for its location and context could be achieved. He noted that addressing retail leakage was very important, and added that a study may be a valuable tool when developers approach the City for a large retail project.

In response to an inquiry by Member Lynch whether a traffic study was a requirement, Mr. Thomas replied that it was not, but it was recommended. Member Lynch believed that could be a slippery slope, and noted that the addition of a business could encourage healthy competition and diversity of retail choices. He noted that generally, a business will go out of business because their product was not as good, and the public chose something else. He did not wish to see a competition restriction in place.

Member Ezzy Ashcraft recalled that when Starbucks and Peet's Coffee opened, the local coffee shops did not go out of business.

Ms. Mooney noted that it was important to examine what appellate courts have upheld. She noted that the City of Turlock was sued by WalMart in 2004 because it had prohibited superstores. She noted that there were shades of that in Livermore's policy that prohibited "retail stores greater than 100,000 square feet that devote more than 5% of floor area to non-taxable items such as groceries." It also required a conditional use permit for discount stores and clubs, which was challenged by WalMart on the grounds that the city was acting in excess of its police power. The court found in favor of the City; the standard was that the policy must be reasonably related to the ends it was trying to achieve. The City was concerned about increasing traffic and decreasing air quality, as well as urban and suburban decay, which was sufficient for the court.

No action was taken.

- 9-C. Appeal of Use Permit UP07-0015 – Jennifer Raner – 1716 Park Street**, for the installation and operation of a portable outdoor car wash for used and new cars for the existing car dealership. Pursuant to Alameda Municipal Code, AMC 30-4.10, a Use Permit is required for car washing establishments in the C-M, Commercial-Manufacturing District.  
**(Appeal has been withdrawn)**

10. WRITTEN COMMUNICATIONS: None.

10-A. Appointment of a Planning Board Member to assist in the selection of a consultant for the North of Lincoln Strategic Plan for the Park Street Business District.

Member Mariani suggested that Member McNamara be involved in the selection. Member McNamara replied that she would not be able to perform this duty during the day.

Member Ezzy Ashcraft volunteered to assist in the selection of the consultant.

Member Cunningham moved to nominate Member Ezzy Ashcraft to assist in the selection of a consultant for the North of Lincoln Strategic Plan for the Park Street Business District.

Member McNamara seconded the motion, with the following voice vote – 6. Absent: 1 (Kohlstrand). The motion passed.

Mr. Thomas noted that the Planning Board had a plan at the dais that Catellus wanted the Planning Board to approve on September 24, and noted that Attachment 3 had been approved. He described the drawings on the document and stated that as part of Catellus's appeals included a compromise plan. That plan included a sidewalk running along the edge of the parking lot; he displayed that proposal to the Board.

Member Mariani did not care for that at first look, and did not want Catellus to sidestep the Planning Board.

Mr. Thomas described the tree well, surrounded by the curb, and bisected by the sidewalk at the same level.

In response to an inquiry by President Cook whether the City had a definition for a sidewalk, Mr. Thomas replied that it did not, but that a sidewalk must be five feet wide. The City Council may uphold the Planning Board's decision, overturn that decision, or remand it back to the Planning Board.

Member Mariani was concerned that Catellus was not honoring the Planning Board's process, and had noted a difference in how the new person handled the interaction.

11. BOARD COMMUNICATIONS: None.

12. ADJOURNMENT: 10:00 p.m.

Respectfully submitted,

Andrew Thomas, Secretary  
City Planning Board

These minutes were approved at the November 13, 2007, Planning Board meeting. This meeting was audio and video taped.